

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**FIFTY-THIRD LEGISLATIVE DAY**  
**THURSDAY, MARCH 3, 2005**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senator McGee, absent and formally excused by the Chair; President Pro Tempore Geddes and Senators Burkett, Cameron, Gannon, Hill, Keough, Little, Lodge, Marley, Pearce, Richardson, Stegner, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Chad Reiser, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 2, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

President Pro Tempore Geddes and Senators Burkett, Gannon, and Little were recorded present at this order of business.

March 3, 2005

The JUDICIARY AND RULES Committee reports that **S 1171** has been correctly printed.

DARRINGTON, Chairman

**S 1171** was referred to the Resources and Environment Committee.

March 2, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1032** and **S 1033** were delivered to the Office of the Governor at 2:50 p.m., March 2, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 2, 2005

The AGRICULTURAL AFFAIRS Committee reports out **H 34** and **H 170** with the recommendation that they do pass.

WILLIAMS, Chairman

**H 34** and **H 170** were filed for second reading.

March 2, 2005

The STATE AFFAIRS Committee reports out **H 150** and **S 1044** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **H 150** and **S 1044** were referred to the Fourteenth Order of Business, General Calendar.

March 2, 2005

The JUDICIARY AND RULES Committee reports out **H 78**, **H 79**, **H 80**, **H 81**, **H 82**, and **H 131** with the recommendation that they do pass.

DARRINGTON, Chairman

**H 78**, **H 79**, **H 80**, **H 81**, **H 82**, and **H 131** were filed for second reading.

March 2, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **S 1169** with the recommendation that it do pass.

SCHROEDER, Chairman

**S 1169** was filed for second reading.

March 2, 2005

The FINANCE Committee reports out **H 262** with the recommendation that it do pass.

CAMERON, Chairman

**H 262** was filed for second reading.

March 2, 2005

The HEALTH AND WELFARE Committee reports out **H 176** with the recommendation that it do pass.

COMPTON, Chairman

**H 176** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 2, 2005

Mr. President:

I transmit herewith **H 152**, **H 153**, and **H 154** which have passed the House.

JUKER, Chief Clerk

**H 152**, **H 153**, and **H 154** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Senators Cameron, Keough, Lodge, Pearce, Richardson, Sweet, and Werk were recorded present at this order of business.

Having voted on the prevailing side and proper notice having been served, Senator Davis moved, seconded by Senator Stennett, that the vote by which **S 1161** passed the Senate be now reconsidered.

Senator Davis' request was granted by unanimous consent, and **S 1161** was placed before the Senate for final consideration.

On request by Senator Davis, granted by unanimous consent, **S 1161** was referred to the Fourteenth Order of Business, General Calendar.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of C. Wayne Hunsucker was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Langhorst, seconded by Senator Little, the Gubernatorial appointment of C. Wayne Hunsucker as a member of the Idaho Outfitters and Guides Licensing Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senators Hill, Marley, and Stegner were recorded present at this order of business.

The President announced that **SJM 106** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Goedde, seconded by Senator Schroeder, **SJM 106** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

On request by Senator Little, granted by unanimous consent, **HCR 11** retained its place on the calendar.

The President announced that **HCR 13** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Coiner, seconded by Senator Werk, **HCR 13** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 14** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Coiner, seconded by Senator Werk, **HCR 14** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

##### S 1172

##### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO CERTIFICATION OF TEACHERS; AMENDING SECTION 33-1201, IDAHO CODE, TO ADOPT REQUIREMENTS FOR SUPERVISED TEACHING EXPERIENCE PRIOR TO CERTIFICATION IN IDAHO AND TO MAKE TECHNICAL CORRECTIONS.

##### S 1173

##### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO SICK AND OTHER LEAVE; AMENDING SECTION 33-1216, IDAHO CODE, TO REQUIRE THAT THE ENTITLEMENT TO ONE FULL DAY OF SICK LEAVE FOR EACH MONTH OF SERVICE IN WHICH A CERTIFICATED OR NONCERTIFICATED EMPLOYEE OF A SCHOOL DISTRICT OR CHARTER SCHOOL WORKS A MAJORITY OF THAT MONTH BE LIMITED TO CERTIFICATED AND NONCERTIFICATED EMPLOYEES OF A SCHOOL DISTRICT OR CHARTER SCHOOL WHO REGULARLY WORK TWENTY HOURS OR MORE PER WEEK.

##### S 1174

##### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE STATE CAMPAIGN FINANCE AND REPORTING LAW; AMENDING SECTION 67-6602, IDAHO CODE, TO PROVIDE A DEFINITION OF "ELECTIONEERING COMMUNICATION"; AMENDING CHAPTER 66, TITLE 67,

IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6630, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR PERSONS WHO CONDUCT OR TRANSMIT ANY ELECTIONEERING COMMUNICATION AND TO PROVIDE REQUIREMENTS FOR STATEMENTS FILED WITH THE SECRETARY OF STATE; AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE CIVIL PENALTIES AND MISDEMEANOR PENALTIES FOR FAILING TO REPORT ELECTIONEERING COMMUNICATIONS IN COMPLIANCE WITH LAW; AMENDING SECTION 31-2012, IDAHO CODE, TO PROVIDE A CORRECT STATUTORY REFERENCE; AMENDING SECTION 50-477, IDAHO CODE, TO PROVIDE A CORRECT STATUTORY REFERENCE; AND AMENDING SECTION 1-2220A, IDAHO CODE, TO PROVIDE A CORRECT STATUTORY REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

**S 1172, S 1173, and S 1174** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 152, H 153, and H 154**, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1017**, by Schroeder, was read the second time at length and filed for third reading.

**H 41**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**H 144 and H 181**, by Transportation and Defense Committee, were read the second time at length and filed for third reading, Consent Calendar.

**S 1129 and S 1131**, by Transportation Committee, were read the second time at length and filed for third reading.

**H 121**, by Business Committee, was read the second time at length and filed for third reading.

**H 62**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator McKenzie, granted by unanimous consent, **S 1126** retained its place on the Third Reading Calendar for one legislative day.

**S 1156** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McGee. Total - 1.

Total - 35.

Whereupon the President declared **S 1156** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1121** retained its place on the Third Reading Calendar.

**S 1134** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McGee. Total - 1.

Total - 35.

Whereupon the President declared **S 1134** passed, title was approved, and the bill ordered transmitted to the House.

**S 1099** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--Stennett. Total - 1.

Absent and excused--Geddes, McGee. Total - 2.

Total - 35.

Whereupon the President declared **S 1099** passed, title was approved, and the bill ordered transmitted to the House.

**S 1138** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McGee. Total - 1.

Total - 35.

Whereupon the President declared **S 1138** passed, title was approved, and the bill ordered transmitted to the House.

**H 106** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Little, Lodge, Marley, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 28.

NAYS--Burkett, Jorgenson, Langhorst, Malepeai, Stegner. Total - 5.

Absent and excused--McGee, Noble. Total - 2.

Total - 35.

Whereupon the President declared **H 106** passed, title was approved, and the bill ordered returned to the House.

**H 48** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McGee. Total - 1.

Total - 35.

Whereupon the President declared **H 48** passed, title was approved, and the bill ordered returned to the House.

**H 42** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McGee. Total - 1.

Total - 35.

Whereupon the President declared **H 42** passed, title was approved, and the bill ordered returned to the House.

**H 43** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McGee. Total - 1.

Total - 35.

Whereupon the President declared **H 43** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 45** retained its place on the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:45 a.m. until the hour of 10 a.m., Friday, March 4, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary